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09/202054

Docket No. P1154R2

#3
C.S.

CERTIFICATION UNDER 37 CFR 1.10

EM168887697US : Express Mail Number

December 7, 1998 : Date of Deposit

I hereby certify that this correspondence consisting of Transmittal Letter to the United States Designated/Elected Office, Combined Declaration for Patent Application and Power of Attorney, Petition for Early Filing Date, is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Carol Kochler

Carol Kochler

PATENT COOPERATION TREATY

DR MFD

In re Application of
Genentech, Inc. et al.
International Application No.: PCT/US98/21141
International Filing Date: 07 October 1998
Title: **HUMAN TOLL HOMOLOGUES**

13 JUN 2000

Legal Staff
International Division

Petition for Early Filing Date Under 35 U.S.C. § 102(e)

Box PCT
Commissioner of Patents and Trademarks
Washington, D.C. 20231
Attention: RO/US

Dear Sir:

Applicants hereby request the grant of an early filing date in the United States under 35 U.S.C. § 102(e) for the above-identified international patent application in which the United States is a designated country. This petition is filed solely to obtain the early filing date; the Applicants do not waive the thirty (30) month deadline for entry into the National Phase and do not wish the U.S. examination-to-commence at this time. In support of this petition and as fulfillment of the applicable requirements of 35 U.S.C. § 371, the Applicants submit herewith a transmittal letter authorizing payment of the national fee prescribed under U.S.C. § 376(a)(4) and a Combined Declaration for Patent Application and Power of Attorney fully executed by the inventors of the above-identified international application.

A notice of granting of the Early Filing Date is respectfully requested.

Respectfully submitted,
GENENTECH, INC.

Ginger R. Dreger
Ginger R. Dreger
Reg. No. 33,055

December 7, 1998
1 DNA Way
South San Francisco, California 94080-4990
(650) 225-3216

HOME/COPY

PCT

REQUEST

The undersigned requests that the present international application be processed according to the Patent Cooperation Treaty.

For receiving Office use only

PCT/US 98/21141

International Application No.

(07.10.98)
International Filing Date

07 OCT 1998

PCT INTERNATIONAL APPLICATION FORMS

Name of receiving Office and "PCT International Application"

Applicant's or agent's file reference P1154R2
(if desired)(12 characters maximum)

Box No. I TITLE OF INVENTION HUMAN TOLL HOMOLOGUES

Box No. II APPLICANT

Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (i.e. country) of residence if no State of residence is indicated below.)

GENENTECH, INC.
1 DNA Way
South San Francisco, CA 94080-4990
US

This person is also inventor.

Telephone No. 650-225-1000

Facsimile No. 650-952-9881

Teleprinter No.

State (i.e. country) of nationality: US

State (i.e. country) of residence: US

This person is applicant all designated States all designated States except the United States of America the United States of America only the States indicated in the Supplemental Box

Box No. III FURTHER APPLICANT(S) AND/OR (FURTHER) INVENTOR(S)

Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (i.e. country) of residence if no State of residence is indicated below.)

GODDARD, Audrey
110 Congo Street
San Francisco, CA 94131
US

This person is:

applicant only

applicant and inventor

inventor only (If this check-box is marked, do not fill in below.)

State (i.e. country) of nationality: CA

State (i.e. country) of residence: US

This person is applicant all designated States all designated States except the United States of America the United States of America only the States indicated in the Supplemental Box

Further applicants and/or (further) inventors are indicated on a continuation sheet.

Box No. IV AGENT OR COMMON REPRESENTATIVE; OR ADDRESS FOR CORRESPONDENCE

The person identified below is hereby/has been appointed to act on behalf of the applicant(s) before the competent International Authorities as: agent common representative

Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)

DREGER, Ginger R.
GENENTECH, INC.
1 DNA Way
South San Francisco, CA 94080-4990
US

Telephone No. 650-225-3216

Facsimile No. 650-952-9881

Teleprinter No.

Mark this check-box where no agent or common representative is/has been appointed and the space above is used instead to indicate a special address to which correspondence should be sent.

Continuation of Box No. III FURTHER APPLICANTS AND/OR (FURTHER) INVENTORS

If none of the following sub-boxes is used, this sheet is not to be included in the request.

Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (i.e. country) of residence if no State of residence is indicated below.)

GODOWSKI, Paul J.
2627 Easton Drive
Burlingame, CA 94010
US

This person is:

- applicant only
 applicant and inventor
 inventor only (If this check-box is marked, do not fill in below)

State (i.e. country) of nationality: US

State (i.e. country) of residence: US

This person is applicant all designated States all designated States except the United States of America the United States of America only the States indicated in the Supplemental Box

Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (i.e. country) of residence if no State of residence is indicated below.)

GURNEY, Austin L.
1 Debbie Lane
Belmont, CA 94010
US

This person is:

- applicant only
 applicant and inventor
 inventor only (If this check-box is marked, do not fill in below)

State (i.e. country) of nationality: US

State (i.e. country) of residence: US

This person is applicant all designated States all designated States except the United States of America the United States of America only the States indicated in the Supplemental Box

Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (i.e. country) of residence if no State of residence is indicated below.)

MARK, Melanie R.
958 B Chula Vista Avenue
Burlingame, CA 94010
US

This person is:

- applicant only
 applicant and inventor
 inventor only (If this check-box is marked, do not fill in below)

State (i.e. country) of nationality: US

State (i.e. country) of residence: US

This person is applicant all designated States all designated States except the United States of America the United States of America only the States indicated in the Supplemental Box

Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (i.e. country) of residence if no State of residence is indicated below.)

YANG, Ruey-Bing
2045 Sea Cliff Way
San Bruno, CA 94066
US

This person is:

- applicant only
 applicant and inventor
 inventor only (If this check-box is marked, do not fill in below)

State (i.e. country) of nationality: CN

State (i.e. country) of residence: US

This person is applicant all designated States all designated States except the United States of America the United States of America only the States indicated in the Supplemental Box

Further applicants and/or (further) inventors are indicated on another continuation sheet.

Box N .V DESIGNATION OF STATES

The following designations are hereby made under Rule 4.9(a) (mark the applicable check-boxes; at least one must be marked):

Regional Patent

- AP ARIPO Patent: GH Ghana, GM Gambia, KE Kenya, LS Lesotho, MW Malawi, SD Sudan, SZ Swaziland, UG Uganda, ZW Zimbabwe and any other State which is a Contracting State of the Harare Protocol and of the PCT
- EA Eurasian Patent: AM Armenia, AZ Azerbaijan, BY Belarus, KG Kyrgyzstan, KZ Kazakstan, MD Republic of Moldova, RU Russian Federation, TJ Tajikistan, TM Turkmenistan, and any other State which is a Contracting State of the Eurasian Patent Convention and of the PCT
- EP European Patent: AT Austria, BE Belgium, CH Switzerland and Liechtenstein, CY Cyprus, DE Germany, DK Denmark, ES Spain, FI Finland, FR France, GB United Kingdom, GR Greece, IE Ireland, IT Italy, LU Luxembourg, MC Monaco, NL Netherlands, PT Portugal, SE Sweden, and any other State which is a Contracting State of the European Patent Convention and of the PCT
- OA OAPI Patent: BF Burkina Faso, BJ Benin, CF Central African Republic, CG Congo, CI Côte d'Ivoire, CM Cameroon, GA Gabon, GN Guinea, GW Guinea-Bissau, ML Mali, MR Mauritania, NE Niger, SN Senegal, TD Chad, TG Togo, and any other State which is a member State of OAPI and a Contracting State of the PCT (if other kind of protection or treatment desired, specify on dotted line). *CW. Guinea-Bissau*

National Patent (if other kind of protection or treatment desired, specify on dotted line):

- | | |
|--|--|
| <input checked="" type="checkbox"/> AL Albania | <input checked="" type="checkbox"/> LU Luxembourg |
| <input checked="" type="checkbox"/> AM Armenia | <input checked="" type="checkbox"/> LT Lithuania |
| <input checked="" type="checkbox"/> AT Austria | <input checked="" type="checkbox"/> LV Latvia |
| <input checked="" type="checkbox"/> AU Australia | <input checked="" type="checkbox"/> MD Republic of Moldova |
| <input checked="" type="checkbox"/> AZ Azerbaijan | <input checked="" type="checkbox"/> MG Madagascar |
| <input checked="" type="checkbox"/> BA Bosnia and Herzegovina | <input checked="" type="checkbox"/> MK The former Yugoslav Republic of Macedonia |
| <input checked="" type="checkbox"/> BB Barbados | <input checked="" type="checkbox"/> MN Mongolia |
| <input checked="" type="checkbox"/> BG Bulgaria | <input checked="" type="checkbox"/> MW Malawi |
| <input checked="" type="checkbox"/> BR Brazil | <input checked="" type="checkbox"/> MX Mexico |
| <input checked="" type="checkbox"/> BY Belarus | <input checked="" type="checkbox"/> NO Norway |
| <input checked="" type="checkbox"/> CA Canada | <input checked="" type="checkbox"/> NZ New Zealand |
| <input checked="" type="checkbox"/> CH and LI Switzerland and Liechtenstein | <input checked="" type="checkbox"/> PL Poland |
| <input checked="" type="checkbox"/> CN China | <input checked="" type="checkbox"/> PT Portugal |
| <input checked="" type="checkbox"/> CU Cuba | <input checked="" type="checkbox"/> RO Romania |
| <input checked="" type="checkbox"/> CZ Czech Republic | <input checked="" type="checkbox"/> RU Russian Federation |
| <input checked="" type="checkbox"/> DE Germany | <input checked="" type="checkbox"/> SD Sudan |
| <input checked="" type="checkbox"/> DK Denmark | <input checked="" type="checkbox"/> SE Sweden |
| <input checked="" type="checkbox"/> EE Estonia | <input checked="" type="checkbox"/> SG Singapore |
| <input checked="" type="checkbox"/> ES Spain | <input checked="" type="checkbox"/> SI Slovenia |
| <input checked="" type="checkbox"/> FI Finland | <input checked="" type="checkbox"/> SK Slovakia |
| <input checked="" type="checkbox"/> GB United Kingdom | <input checked="" type="checkbox"/> SL Sierra Leone |
| <input checked="" type="checkbox"/> GE Georgia | <input checked="" type="checkbox"/> TJ Tajikistan |
| <input checked="" type="checkbox"/> GH Ghana | <input checked="" type="checkbox"/> TM Turkmenistan |
| <input checked="" type="checkbox"/> GM Gambia | <input checked="" type="checkbox"/> TR Turkey |
| <input checked="" type="checkbox"/> CW Guinea-Bissau | <input checked="" type="checkbox"/> TT Trinidad and Tobago |
| <input checked="" type="checkbox"/> HU Hungary | <input checked="" type="checkbox"/> UA Ukraine |
| <input checked="" type="checkbox"/> ID Indonesia | <input checked="" type="checkbox"/> UG Uganda |
| <input checked="" type="checkbox"/> IL Israel | <input checked="" type="checkbox"/> US United States of America |
| <input checked="" type="checkbox"/> IS Iceland | <input checked="" type="checkbox"/> UZ Uzbekistan |
| <input checked="" type="checkbox"/> JP Japan | <input checked="" type="checkbox"/> VN Viet Nam |
| <input checked="" type="checkbox"/> KE Kenya | <input checked="" type="checkbox"/> YU Yugoslavia |
| <input checked="" type="checkbox"/> KG Kyrgyzstan | <input checked="" type="checkbox"/> ZW Zimbabwe |
| <input checked="" type="checkbox"/> KP Democratic People's Republic of Korea | |
| <input checked="" type="checkbox"/> KR Republic of Korea | |
| <input checked="" type="checkbox"/> KZ Kazakstan | |
| <input checked="" type="checkbox"/> LC Saint Lucia | |
| <input checked="" type="checkbox"/> LK Sri Lanka | |
| <input checked="" type="checkbox"/> LR Liberia | |
| <input checked="" type="checkbox"/> LS Lesotho | |

Check-boxes reserved for designating States (for the purposes of a national patent) which have become party to the PCT after issuance of this sheet:

- HR Croatia
- GD Grenada

In addition to the designations made above, the applicant also makes under Rule 4.9(b) all designations which would be permitted under the PCT except the designation(s) of _____.

The applicant declares that those additional designations are subject to confirmation and that any designation which is not confirmed before the expiration of 15 months from the priority date is to be regarded as withdrawn by the applicant at the expiration of that time limit. (Confirmation of a designation consists of the filing of a notice specifying that designation and the payment of the designation and confirmation fees. Confirmation must reach the receiving Office within the 15-month time limit.)

Supplemental Box*If the Supplemental Box is not used, this sheet need not be included in the request.***Use this box in the following cases:**

- 1. If, in any of the Boxes, the space is insufficient to furnish all the information:**

in particular:

- (i) if more than two persons are involved as applicants and/or inventors and no "continuation sheet" is available;
- (ii) if, in Box No. II or in any of the sub-boxes of Box No. III, the indication "the States indicated in the Supplemental Box" is checked;
- (iii) if, in Box No. II or in any of the sub-boxes of Box No. III, the inventor or the inventor/applicant is not inventor for the purposes of all designated States or for the purposes of the United States of America;
- (iv) if, in addition to the agent(s) indicated in Box No. IV, there are further agents;
- (v) if, in Box No. V, the name of any State (or OAPI) is accompanied by the indication "patent of addition," or "certificate of addition," or if, in Box No. V, the name of the United States of America is accompanied by an indication "Continuation" or "Continuation-in-part";
- (vi) if there are more than three earlier applications whose priority is claimed;

- 2. If the applicant claims, in respect of any designated Office, the benefits of provisions of the national law concerning non-prejudicial disclosures or exceptions to lack of novelty:**

Continuation of Box IV

BUTING, Walter E.
 CONLEY, Deidre L.
 HASAK, Janet E.
 JOHNSTON, Sean A.
 KUBINEC, Jeffrey S.
 LEE, Wendy M.
 LOVE, Richard B.
 MARSCHANG, Diane L.
 SCHWARTZ, Timothy R.
 SVOBODA, Craig G.
 TORCHIA, Timothy E.
 WINTER, Daryl B.

All the foregoing of:

GENENTECH, INC.
 1 DNA Way
 South San Francisco, CA 94080-4990
 US

in such case, write "Continuation of Box No." [indicate the number of the Box] and furnish the information in the same manner as required according to the captions of the Box in which the space was insufficient;

in such case, write "Continuation of Box No. III" and indicate for each additional person the same type of information as required in Box No. III. The country of the address indicated in this Box is the applicant's State (i.e. country) of residence if no State of residence is indicated below;

in such case, write "Continuation of Box No. II" or "Continuation of Box No. III" or "Continuation of Boxes No. II and No. III" (as the case may be), indicate the name of the applicant(s) involved and, next to (each) such name, the State(s) (and/or, where applicable, ARIPO, Eurasian, European or OAPI patent) for the purposes of which the named person is applicant;

in such case, write "Continuation of Box No. II" or "Continuation of Box No. III" or "Continuation of Boxes No. II and No. III" (as the case may be), indicate the name of the inventor(s) and, next to (each) such name, the State(s) (and/or, where applicable, ARIPO, Eurasian, European or OAPI patent) for the purposes of which the named person is inventor;

in such case, write "Continuation of Box No. IV" and indicate for each further agent the same type of information as required in Box No. IV;

in such case, write "Continuation of Box No. V" and the name of each State involved (or OAPI), and after the name of each such State (or OAPI), the number of the parent title or parent application and the date of grant of the parent title or filing of the parent application;

in such case, write "Continuation of Box No. VI" and indicate for each additional earlier application the same type of information as required in Box No. VI.

in such case, write "Statement Concerning Non-Prejudicial Disclosures or Exceptions to Lack of Novelty" and furnish that statement below.

Continuation of Box VI (Priority Claim)

item (4)	26 June 1998 (26.06.98)	60/090,863	US
item (5)	26 June 1998 (26.06.98)	09/105,413	US

PCTUS 98/21141

Sheet N : .5....

Box N . VI PRIORITY CLAIM		<input checked="" type="checkbox"/> Further priority claims are indicated in the Supplemental Box.		
Filing date of earlier application (day/month/year)	Number of earlier application	Where earlier application is:		
		national application: country	regional application: regional Office	international application: receiving Office
item (1) 17 October 1997 (17.10.97)	60/062,250	US		
item (2) 13 November 1997 (13.11.97)	60/065,311	US		
item (3) 28 April 1998 (28.04.98)	60/083,322	US		

The receiving Office is requested to prepare and transmit to the International Bureau a certified copy (1), (2) of the earlier application(s) (only if the earlier application was filed with the Office which for the purposes of the present international application is the receiving Office) identified above as item(s): (3), (4), (5)

* Where the earlier application is an ARIPO application, it is mandatory to indicate in the Supplemental Box at least one country party to the Paris Convention for the Protection of Industrial Property for which that earlier application was filed (Rule 4.10(b)(ii)). See Supplemental Box.

Box No. VII INTERNATIONAL SEARCHING AUTHORITY

Choice of International Searching Authority (ISA) (if two or more International Searching Authorities are competent to carry out the international search, indicate the Authority chosen; the two-letter code may be used):

ISA / EP

Request to use results of earlier search; reference to that search (if an earlier search has been carried out by or requested from the International Searching Authority):

Date (day/month/year) Number Country (or regional Office)

Box No. VIII CHECK LIST; LANGUAGE OF FILING

This international application contains the following number of sheets:

request	:	5
description (excluding sequence listing part)	:	56
claims	:	3
abstract	:	1
drawings	:	16
sequence listing part f description	:	-

Total number of sheets : 81

This international application is accompanied by the item(s) marked below:

1. fee calculation sheet
2. separate signed power of attorney
3. copy of general power of attorney; reference number, if any:
4. statement explaining lack of signature
5. priority document(s) identified in Box No. VI as item(s):
6. translation of international application into (language):
7. separate indications concerning deposited microorganism or other biological material
8. nucleotide and/or amino acid sequence listing in computer readable form
9. other (specify): Transmittal Letter

Figure of the drawings which should accompany the abstract:

1

Language of filing of the international application: English

Box No. IX SIGNATURE OF APPLICANT OR AGENT

Next to each signature, indicate the name of the person signing and the capacity in which the person signs (if such capacity is not obvious from reading the request).

Ginger R. Dreger
Agent for Applicants

For receiving Office use only

1. Date of actual receipt of the purported international application:	07 OCT 1998 (07.10.98)	2. Drawings: <input type="checkbox"/> received: <input type="checkbox"/> not received:
3. Corrected date of actual receipt due to later but timely received papers or drawings completing the purported international application:		
4. Date of timely receipt of the required corrections under PCT Article 11(2):		
5. International Searching Authority (if two or more are competent): ISA / EP	6. <input type="checkbox"/> Transmittal of search copy delayed until search fee is paid.	

For International Bureau use only

Date of receipt of the record copy by the International Bureau:

RO/US 07 DEC 1998

POWER OF ATTORNEY

(for an international application filed under the Patent Cooperation Treaty)

(PCT Rule 90.4)

The undersigned applicant(s) (*Names should be indicated as they appear in the request*):

Audrey Goddard

hereby appoints (appoint) the following person as: agent common representative

Name and address

(*Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.*)

DREGER, Ginger R.

SCHWARTZ, Timothy R.

BUTING, Walter E.

LEE, Wendy M.

TORCHIA, Timothy E.

CONLEY, Deirdre L.

LOVE, Richard B.

JOHNSTON, Sean A.

HASAK, Janet E.

SVOBODA, Craig S.

KUBINEC, Jeffrey S.

All of

GENENTECH, INC.

1 DNA Way

South San Francisco, CA 94080-4990

to represent the undersigned before

- all the competent International Authorities
 the International Searching Authority only
 the International Preliminary Examining Authority only

in connection with the international application identified below:

Title of the invention: HUMAN TOLL HOMOLOGUES

Applicant's or agent's file reference: P1154R2

International application number (if already available): PCT/US

filed with the following Office RO/US as receiving Office
and to make or receive payments on behalf of the undersigned.

Signature of the applicant(s) (*where there are several applicants, each of them must sign; next to each signature, indicate the name of the person signing and the capacity in which the person signs, if such capacity is not obvious from reading the request or this power*):

Audrey Goddard

Date:

10/26/98

PCT

PCT/US 98/21141
RO/US 07 DEC 1998

POWER OF ATTORNEY

(for an international application filed under the Patent Cooperation Treaty)

(PCT Rule 90.4)

The undersigned applicant(s) (Names should be indicated as they appear in the request):

Paul J. Godowski

hereby appoints (appoint) the following person as: agent common representative

Name and address

(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)

DREGER, Ginger R.
BUTING, Walter E.
CONLEY, Deirdre L.
HASAK, Janet E.
KUBINEC, Jeffrey S.

All of
GENENTECH, INC.
1 DNA Way
South San Francisco, CA 94080-4990

SCHWARTZ, Timothy R.
LEE, Wendy M.
LOVE, Richard B.
SVOBODA, Craig S.

TORCHIA, Timothy E.
JOHNSTON, Sean A.

to represent the undersigned before

- all the competent International Authorities
 the International Searching Authority only
 the International Preliminary Examining Authority only

in connection with the international application identified below:

Title of the invention: HUMAN TOLL HOMOLOGUES

Applicant's or agent's file reference: P1154R2

International application number (if already available): PCT/US

filed with the following Office RO/US as receiving Office
and to make or receive payments on behalf of the undersigned.

Signature of the applicant(s) (where there are several applicants, each of them must sign; next to each signature, indicate the name of the person signing and the capacity in which the person signs, if such capacity is not obvious from reading the request or this power):

Paul J. Godowski

Date:

Paul J. Godowski 10/15/98